IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Bail Appl..No. 6805 of 2007()

CRMP.2940/2007 of J.M.F.C.-II, MANANTHAVADY

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(CRIME NO.94/2007 OF THIRUNELLY POLICE STATION)

PETITIONERS/ACCUSED 1 TO 3:

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1. **SURESH, S/O. SOMAN, AGED 24 YEARS, MULLANKOLLY VEEDU, MULLANKOLLY FOREST COLONY, PLAMOOLA, THRISSILERI, WAYANAD DISTRICT.**

2. **CHANDRAN, S/O. KELU, AGED 22 YEARS, NUCHIKANDY VEEDU, NUCHIKANDY, PLAMOOLA, THRISSILERI, WAYANAD DISTRICT.**

3. **SANDEEPAN, S/O. KELU, AGED 22 YEARS, NUCHIKANDY VEEDU, PLAMOOLA, THRISSILERI, WAYANAD DISTRICT.**

BY ADV. SRI.N.NAGARESH
SRI.BINU PAUL

RESPONDENTS: STATE & COMPLAINANT:

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1. **STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

2. **SUB INSPECTOR OF POLICE, THIRUVELLI.**

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6805 of 2007

Dated this the 7th day of November, 2007

ORDER

Application for regular bail. Petitioners are accused 1, 2 and 6. Altogether there are 6 accused persons. The petitioners allegedly owe allegiance to the R.S.S. They face allegations for offences punishable, inter alia, under Sections 452 and 308 I.P.C. The victims in this case are a Christian Pastor and his wife. Both of them have suffered injuries. The crux of the allegations is that on the allegation that the Pastor was engaged in an attempt to convert adivasis into Christianity. Accused persons were members of an unlawful assembly on 14.10.07. In prosecution of the common object of the unlawful assembly, they allegedly trespassed into the house of the said victim armed with dangerous weapons. They allegedly assaulted the defacto complainant and his wife. Both of them have suffered injuries. Crime was registered on 14.10.07. Accused 1 and 2 were arrested on 15.10.07. Accused 6, ie. the 3rd petitioner was arrested on 22.10.07. The petitioners continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. It is true that there were wide spread allegations that the Pastor, the defacto complainant is

attempting to convert persons into Christianity. The petitioners had raised objections against such objectionable conduct of the defacto complainant. But they have nothing to do with the incident of assault. Allegations to that effect are being raised unnecessarily and vexatiously against the petitioners. In these circumstances, the petitioners who have remained in custody from 15/22.10.2007 may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that all available inputs point to the culpability of the petitioners. Investigation is not complete. A tense law and order situation prevails in the locality. The petitioners may not, in these circumstances, be granted bail. The police may be given reasonable further time to complete the investigation in a crime like this. Release of the petitioners is likely to raise the tension in the already charged atmosphere prevalent in the locality.

4. Having considered all the relevant inputs, I am persuaded to agree that the petitioners can be granted bail subject to appropriate safeguards.

5. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall not be released on the strength of this order prior to 17.11.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

ii) The petitioners shall execute bonds for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of 3 months from the date of release and thereafter as and when directed by the Investigating Officer in writing to do so;

iv) During the said period of 3 months, the petitioners shall not enter the Sessions Division of Wayanad except for the purpose of complying with condition No.iii above.

(R.BASANT, JUDGE)

rtr/-